

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	8:08CR74
)	
DARRYL GENE BOUDREAUX,)	ORDER
)	
Defendant.)	

This matter is before the court on the defendant's motions to continue trial (Docs. 23 & 24). Based on counsel's representations, trial will be continued to November 4, 2008. The defendant will also be required to file an affidavit or declaration regarding speedy trial in compliance with the Local Rules of Practice.

IT IS ORDERED that the motions are granted, as follows:

1. The jury trial now set for October 7, 2008, is continued to **Tuesday, November 4, 2008**.

2. In accordance with [18 U.S.C. § 3161](#)(h)(8)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **October 7, 2008 and November 4, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

3. Defendant shall file an affidavit or declaration regarding speedy trial, as required by [NECrimR 12.1 and/or 12.3](#), no later than **September 15, 2008**.

DATED September 9, 2008.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge